

Appln. No.: 09/539,815
Amendment Dated September 27, 2005
Reply to Office Action of June 28, 2005

MATP-587US

Remarks/Arguments:

Applicant's Attorney thanks the Examiner for granting the telephone interview on September 26, 2005. During the interview, the Examiner agreed that the arguments presented below overcame the rejections under 35 U.S.C. § 112, first paragraph.

Claims 3-4 and 7-10 are pending in the above-identified application. Claims 1-2 and 5-6 are cancelled.

Claims 1, 3-5 and 7-9 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. In particular, Examiner recites in the Office Action that the original specification does not describe a first number of retries of storing audio data and video data that are being recited in claims 1 and 5. This ground for rejection is overcome by the cancellation of claim 1. However, claim 4 has been amended to include the limitations of claim 1. Thus, any enablement rejection of claim 4 pertaining to the enablement rejection of cancelled claim 1 is traversed.

With regard to claim 4, the specification, at page 1, line 20 to page 2, line 11 defines both soft disc errors and retries. In particular, the specification recites that when there are errors in the data, the disc controller retries the read operation. In many cases, the second or third time the data is read from the disk, no error occurs. In these instances, the original error is classified as a soft error. Next, at page 6, lines 1-14, the specification recites that the amount of time represented by the encoded data in the audio buffer is relatively large compared to that represented by the encoded data in the video buffer.

The specification further recites that the **audio buffer** is sized to accommodate **multiple soft errors** so that the audio signal may be recovered without disruption. (Emphasis added). The **video buffer** in one exemplary embodiment of the invention, is sized to handle a relatively **small number of retry operations** that may occur in response to a single soft error.(Emphasis added). Thus, the audio buffer is able to handle more retries (a first number of retries) than the video buffer (a second number of retries). That is, the first number of retries is less than the second number of retries as recited in claims 1. In addition, it is stated at page 7, lines 13-20 that data read from the disk is stored into the audio and video buffers. Because the specification is described to enable one skilled in the art to make and/or use the invention,

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claim 1 is not subject to rejection under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. Claim 3 depends from claim 4. Accordingly, claim 3 is also not subject to rejection under 35 U.S.C. § 112, first paragraph.

With regard to claim 5, the ground for rejection is overcome by the cancellation of claim 5. However, claim 8 has been amended to include the limitations of claim 5. Thus, any enablement rejection of claim 8 pertaining to the enablement rejection of cancelled claim 5 is traversed. Claim 8, while not identical to claim 4, includes features similar to those set forth above with regard to claim 4. Thus, claim 8 is also not subject to rejection for the same reasons as those set forth above with regard to claim 4.

Claims 1, 3 and 5 were rejected under 35 U.S.C. § 103 (a) as being obvious in view of Nakamura et al., Fujinami and Tamura et al. With regard to claim 1, this ground for rejection is overcome by the cancellation of claim 1. Examiner has not raised any prior art rejections against claim 4. Accordingly, claim 4 has been amended to include the limitations of claim 1. Thus, claim 4, as amended is in condition for allowance. Claim 3 has been amended to depend from claim 4. Accordingly, claim 3 is not subject to rejection under 35 U.S.C. § 103 (a) as being obvious in view of Nakamura et al., Fujinami and Tamura et al.

With regard to claim 5, this ground for rejection is overcome by the cancellation of claim 5. Examiner has not raised any prior art rejections against claim 8. Accordingly, claim 8 has been amended to include the limitations of claim 5. Thus, claim 8, as amended is in condition for allowance.

Claim 7 was rejected under 35 U.S.C. § 103 (a) as being obvious in view of Nakamura et al., Fujinami, Tamura et al. and Fujita. As described above, claim 8, as amended is in condition for allowance. Claim 7 has been amended to depend from claim 8. Accordingly, claim 7 is not subject to rejection under 35 U.S.C. § 103 (a) as being obvious in view of Nakamura et al., Fujinami and Tamura et al. and Fujita

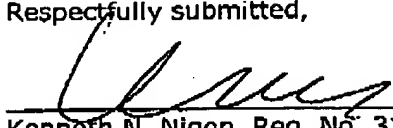
The prior art made of record but not applied has been considered but does not affect the patentability of the invention.

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In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 3-4 and 7-9.

Respectfully submitted,


Kenneth N. Nigon, Reg. No. 31,549
Attorney for Applicants

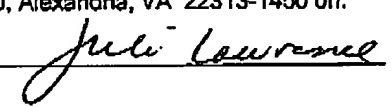
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P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

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Juli A. Lawrence

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